

## **EXHIBIT D**

## **NYC Administrative Code 10-135**

\*\*\*\* Current through April 05, 2024 \*\*\*\*

***New York City Municipal Code, Charter and Rules > New York City Administrative Code > Administrative Code of the City of New York > Title 10 Public Safety > CHAPTERS 1-76 > CHAPTER 1 PUBLIC SAFETY***

### **§ 10-135 Prohibition on sale and possession of electronic stun guns.**

- a. As used in this section, "electronic stun gun" shall mean any device designed primarily as a weapon, the purpose of which is to stun, render unconscious or paralyze a person by passing an electronic shock to such person, but shall not include an "electronic dart gun" as such term is defined in [section 265.00 of the penal law](#).
- b. It shall be unlawful for any person to sell or offer for sale or to have in his or her possession within the jurisdiction of the city any electronic stun gun.
- c. Violation of this section shall be a class A misdemeanor.
- d. The provisions of this section prohibiting the possession of electronic stun guns shall not apply to police officers as defined in the criminal procedure law, who are operating under regular department procedure or operation guidelines established by their department.
- e. The provisions of this section shall not apply to manufacturers of electronic stun guns or importers and exporters or merchants of electronic stun guns, when such stun guns are scheduled to travel in the course of international, interstate, or intrastate commerce to a point outside the city. Such bulk shipments shall remain in their original shipping package, unopened, except for inspection and possible subdivision for further movement in interstate or intrastate commerce to a point outside the city.

#### **HISTORICAL NOTE**

Section added L.L. 38/1985 § 2, language juxtaposed per chap 907/1985 § 14, section number supplied by Legislative Bill Drafting Commission

#### **DERIVATION**

Formerly § 436-5.4 added LL 38/1985 § 2

(Legislative findings, electronic stun guns are a menace, LL 38/1985 § 1)

#### **Case Notes**

¶ 1. An electronic stun gun possessed in violation of § 10-135(b) must be operational in order to convert a complaint into an information, and operability may be established by deposition or by circumstantial evidence. [People v. Lynch, 145 Misc. 2d 354 \[1989\]](#).

¶ 2. Where defendant is charged with violating the Ad Code of the City of NY § 10-135(b), the unlawful possession of an electronic stun gun, the city must establish proof of the weapons operability in addition to possession, by deposition or circumstantial evidence, to convert a complaint into an information. [People v. Lynch, 145 Misc. 2d 354](#).

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